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RUEHMO/AMEMBASSY MOSCOW 3099
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RUEHRA/AMEMBASSY RIGA 1383
RUEHVEN/USMISSION USOSCE 0610
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SUBJECT: Belarus IPR Update

¶1. (SBU) Summary: A Belarusian state agency "protects" musicians' copyrights by collecting royalties on their behalf from all Belarusian restaurants, radio stations, clubs and bars. This agency recently muscled in on the local cable TV market, with the effect of stopping payments to many foreign cable channels being broadcast in Belarus. The head of the Belarusian Guild of Playwrights and Screenwriters described how the Ministry of Culture promotes the production of foreign plays, without receiving permission or paying royalties to the plays' authors. Last, the Ministry of Interior announced a rare IPR enforcement action against two manufacturers of pirated CDs. End summary.

BAA, Quite the Racket

¶2. (U) Econ Chief met with Nikolay Chisty, Director of the Belarusian Author's Association (BAA), on July 20. The BAA is a Belarusian governmental organization created three years ago to protect IPR. BAA registers copyrights and collects royalties, while the GOB's National Center for Intellectual Property Rights drafts legislation.

¶3. (U) BAA mostly works to protect the rights of musicians. BAA has signed mandatory agreements with all Belarusian musicians to manage their copyrights. They have also signed agreements with a number of other countries, including Russia, the UK, Greece, Spain and Belgium. BAA recently signed an agreement to protect musicians represented by the U.S. agency BMI, but this has not yet been implemented. BAA also signed mandatory agreements with all restaurants, bars, clubs and radio stations in Belarus to collect royalties when they play music publicly (the one exception being the caf next to BAA's office, which got around this by only playing French music; BAA has no agreement with France).

¶4. (SBU) If these venues collect a cover charge, BAA gets five percent of the cover proceeds. If not, BAA collects its fees based on square meterage of the venue. They also collect one percent of all revenue from radio stations. BAA, keeping 15 percent for itself, then distributes these

royalties to the Belarusian and foreign bands it represents, based on the bands' relative popularity, recalculated weekly. Chisty stated many Belarusian musicians have complained about how little money they receive, but Chisty argued they received no money previously in such royalties. BAA explored charging taxi cabs a percentage because they play music while driving, but decided it would be too hard to enforce. [Note: a number of Belarus' most popular bands are blacklisted by the government for playing at a pro-democracy concert in 2004. They receive no royalties from BAA.]

15. (SBU) BAA recently expanded its activities to the cable TV market. Chisty explained previously Belarusian cable providers contracted directly with foreign TV companies to broadcast their channels. In July BAA brought Belarus' cable companies to court and forced them to pay their foreign partners through the BAA. However, Chisty admitted BAA can only send money abroad if a foreign channel has an agreement with BAA. So far very few foreign channels have such agreements, so BAA keeps this revenue. [Comment: In an example Chisty gave, Belarus' Kosmos TV used to pay CNN directly for broadcast rights in Belarus. Now Komos pays BAA for the right to broadcast CNN. However, as CNN has no agreement with BAA, BAA keeps the money.]

16. (SBU) Despite its name, Chisty said BAA does nothing to protect the rights of print authors. There is also no GOB agency charged with combating movie piracy. When asked, Chisty replied a foreign film studio's only recourse if its movies were being sold or shown illegally in Belarus would be to appeal to the courts. BAA is now considering expanding to protect the works of Belarusian painters and photographers.

Piracy in the Theater

17. (SBU) On August 2 Econ Chief met with Andrey Kureichik, playwright and president of the Belarusian Guild of Playwrights and Screenwriters (BGPS). Kureichik requested the meeting to discuss IPR violations on the Belarusian stage. According to Kureichik, Belarusian theaters never get permission from or pay royalties to foreign playwrights to stage their plays. Because they do not pay for foreign plays, the theaters tell Belarusian playwrights they do not have to pay to stage Belarusian plays either.

18. (SBU) Kureichik estimated two-thirds of all plays shown in Belarus are stolen from foreign authors. About 60 percent of those are American. Moreover, with the exception of two small stages, the Ministry of Culture owns all theaters in Belarus, so the state is responsible for these IPR violations. Kureichik estimated foreign playwrights are losing out on large sums of money. Russia has forced Belarus to pay its dramatists. To stage a Russian play, Belarusian theaters pay USD 2,000 plus nine percent of revenue (which is USD 2,000 to 3,000 a day, 25 days a month at Belarus' National Theater). He added that Belarusian theaters also steal western movie scores -- he recently saw a Belarusian play scored with John William's Star Wars music, even though it was a love story -- and often change the stolen plays without seeking the author's permission.

19. (SBU) Kureichik believes Belarusian theaters would like to comply with international norms and pay royalties, if only to preserve their reputations, but the Ministry of Culture will not let them pay. BGPS appealed to BAA for help, but BAA claimed, as a government agency, they could not contradict the Ministry of Culture's position. Kureichik claimed the Ministry threatened to blacklist him if he keeps pushing this matter, and said the Ministry of Justice liquidated the BGPS this year because of its efforts to secure royalties.

A Rare Enforcement

¶10. (U) Belarus' Ministry of Interior announced August 4 it had raided two companies in Minsk involved in illegal copying of compact discs. The MOI claims it seized 108,000 CDs, 57 CD-writers, and a packaging machine. These plants were suspected of having supplied a large consignment of pirated CDs to a German company. The directors of the companies have been charged under Article 201 of the Belarusian Criminal Code, violations of copyright and allied rights. Post attempted to get more details from the GOB but the National Center for Intellectual Property Rights told us they could not share any information and the MOI insisted the request be made via diplomatic note. This is the first IPR enforcement the MOI has claimed in at least a year.

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